required, to appoint a successor as herein directed; and that, in the meantime, it shall be lawful for the official referees to direct the surveyor of any one or more of the other districts to perform the duties of surveyor for the vacant district; or if no district surveyor can be spared from his own district, to appoint some other competent person for that purpose: and that every such surveyor is hereby entitled to receive the fees payable in respect of the services so performed by him in such vacant district.

Regulation of Business—Assistant Surveyors—Duties of Assistants—Fees.

70. And be it enacted, with regard to the surveyors, so far as relates to the regulation of their business, that if it shall appear to the official referees that the district appointed for any surveyor is too extensive for the prompt discharge of his functions, then it shall be their duty to represent such their opinion to the Lord Mayor and aldermen of the city of London, or to the justices of the peace with whom the appointment of a surveyor for that district may rest; and for that purpose to transmit with their letter of representation a transcript of their "Register of Notices," with the results; and that if at any time it appear to such official referees, that on account of the pressure of business in any district, or on any other account, the surveyor of that district cannot discharge his duties promptly, as regards the builders and others engaged in building operations, and efficiently as regards the purposes of this Act, then it shall be lawful for such official referees, and they are hereby empowered, to appoint any other district surveyor to assist the surveyor of such district in the performance of his duties; or if no district surveyor can be spared from his own district, then to appoint some other competent person to give such assistance; and that with regard to all buildings surveyed by such assistant surveyor, and all other acts done by him, it shall be the duty of such assistant surveyor to make returns, and to act in all respects as if he had been appointed by the said Lord Mayor and aldermen, or by the said justices, to be the surveyor of such district; and that every such person shall be entitled to receive the fees payable in respect of the services so performed by him.

Superintendence of Surveyors.

71. And be it enacted, with regard to such surveyors, so far as relates to the supervision of buildings, built, rebuilt, enlarged or altered by or under his professional superintendence, that it shall not be lawful for any such surveyor to survey any such building for the purposes of this Act; but that such building must be surveyed by another district surveyor, or by another surveyor to be appointed by the official referees for that purpose.

Surveyor's Fees—Refusal of Payment—Fees to be paid only for Work done agreeably to Act—Refunding Fees.

72. And be it enacted, with regard to such surveyors, so far as relates to their remuneration, that upon the expiration of one month after the roof of any building erected and surveyed under this Act, shall have been covered in, and all the walls thereof have been built to their full heights, and the principal timbers and floors shall have been fixed in their places, and upon the expiration of *fourteen* days after the completion of any addition, alteration and repair, and upon the expiration of *fourteen* days after such special service shall have been performed, and upon delivering to the owner of the building an account of the fees incurred, and upon tendering a receipt, signed with his christian and surname, and stating the amount of such account and the work done, it shall be lawful for the surveyor, and he is hereby entitled to receive for his time and trouble and expenses in causing the rules, regulations, and directions of this Act to be observed, the several fees specified in the Schedule of Fees (L.), hereunto annexed; and that if, on tender of such receipt, any owner or occupier who shall become liable to pay any such fee shall refuse to pay the same, then, upon application to any justice of the peace, it shall be lawful for such justice, and he is hereby required to issue his warrant to levy the amount of such fee by distress and sale of the goods and chattels of the party so refusing, in like manner as poor's rates are by law recoverable; provided always, that if the work in respect of which such fee shall become payable have not been done in every respect agreeably to the directions of this Act, then it shall not be lawful for any surveyor to receive such fee; and that if he shall so receive it, then, upon application to the official referees by any party interested in the building in respect of which such work shall have been executed, and upon its appearing that such fee has been received wrongfully, it shall be the duty of such official referees, and they are hereby required to order the said surveyor to refund such fees.

We think this needs some restriction, or persons may be found to evade the statute in some trifling the purpose of avoiding payment of the fees.

Surveyor's Returns—Inspection of Returns—Authentication and Effect of Returns.

73. And be it enacted, with regard to such surveyors, so far as relates to a return of the business done by them, and to the inspection thereof, that, within seven days after the first day of every month, it shall be the duty of every surveyor, and he is hereby required to make a return to the registrar of metropolitan buildings, enumerating therein the number and nature of all the several works executed within the previous month under his supervision, and the fees paid to him for the same, and also a copy of the list or register of notices served upon him, with the results thereof, and to keep in his office a copy of such return; and that if any person shall apply to inspect the same, then on the payment of one shilling, it shall be open for inspection, at all reasonable times; and with regard to such return, so far as relates to the authentication and effect thereof, that every such return must be signed by such surveyor, and if so signed, it shall be deemed to be a certificate that all the works enumerated therein are in all respects agreeably to this Act, according to the best of his knowledge and belief, and that they have been duly surveyed by him; but no such return shall be any protection from, or hindrance to, any future proceedings in respect of works not executed according to the provisions of this Act, though the same may have been done before the making of such return.

The words should run, "*deemed to be a certificate of all the works enumerated therein done in all respects agreeably to this Act, and of such works as have been done contrary thereto, and of the proceedings which have been taken therein.*"

Penalty for Extortion, Negligence, or Unfaithfulness—Incapacitation of Surveyors.

74. And be it enacted, with regard to every surveyor, so far as relates to the discharge of his duties, that if any surveyor receive any higher fee than he shall be entitled to under this Act, or if he in his capacity of surveyor he receive a fee for any act or omission in respect of which he is not entitled to receive any remuneration, or if he refuse to refund any fee wrongfully received by him, in respect whereof the official referees shall have made, an order to that effect, or if at any time he wilfully neglect his duty, or behave himself negligently or unfaithfully in the discharge thereof, and if, upon complaint thereof, such conduct be made to appear to the Lord Mayor and aldermen of the said city of London, or the court of quarter sessions having jurisdiction over the district for which he shall act for the time being, then it shall be lawful for the said Lord Mayor and aldermen, or the said court of quarter sessions, as the case may be, and they are hereby respectively required, either to fine every such surveyor in such sum of money not exceeding fifty pounds as they shall think fit, or to discharge him forthwith from his said office; and that if for any such cause such surveyor be discharged, he shall be incapable of being again appointed a surveyor for the purposes of this Act.

OFFICIAL REFEREES.

Appointment of Two Official Referees—Tenure of Office.

75. And now, for the purpose of providing for the appointment of competent official referees to superintend the execution of this Act throughout all the districts to which it is applicable, and also to determine sundry matters in question incident thereto, as well as to exercise, in certain cases, a discretion in the relaxation of the fixed rules and directions of this Act, where the strict observance thereof is impracticable, or would defeat the object of this Act, or would needlessly affect, with injury, the course and operation of this branch of business; be it enacted, with regard to the official referees, so far as relates to their appointment, to their qualifications and to the tenure of their office, that it shall be lawful for her Majesty's Principal Secretary of State acting for the Home Department, and he is hereby empowered to appoint two persons, being architects, to be official referees of metropolitan buildings, and from time to time, as he shall think proper, to remove such official referees, and in their place to appoint other persons so qualified.

We do not think two Official Referees sufficient to perform the business.

Their Functions generally.

76. And be it enacted, with regard to such official referees, so far as relates to their functions generally, that it shall be the duty of such official referees, and they are hereby required to superintend the execution of this Act, by the several district surveyors already existing, or hereby authorized to be appointed, and to perform the several matters to them respectively assigned by the provisions of this Act, and to determine all questions referred to them, whether expressly by this Act, or at the instance of any one or more of the parties concerned.

Matters of Reference—One Referee may act.

77. And be it enacted, with regard to the official referees, so far as relates to their jurisdiction, that if any doubt, difference or dissatisfaction, in respect of any matter within the limits of this Act, arise between any parties concerned, or between any party and any surveyor, or between any two surveyors, as to any act done or to be done in pursuance of this Act; or as to the effect of the provisions thereof in any case; or as to the mode in which the provisions and directions of this Act are or ought to be carried into effect; and particularly as to whether the requirements applied in terms of qualification, applied to size, to strength, to materials or to workmanship or otherwise, and denoting good, sound, fit, proper or sufficient, are fulfilled in certain cases; or as to the district in which any building, matter or thing is to be deemed to be situate, especially in cases where such building, matter or thing is partly in one district and partly in another; or as to the expenses to be borne by the respective owners of premises parted by the same party-walls, or the proportions thereof; or as to the proportions of the expense to be borne by the occupier, or by the owners of premises, in respect of any work executed, or any other matter [illegible] so that such requisition so made in writing, and that it set forth, either generally or otherwise, the matter

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